

October 18, 2008

Department of Environment and Natural Resources
Division of Environmental Services
523 East Capitol, Joe Foss Building
Pierre, SD 57501

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Dear Members of the Department of Environment and Natural Resources:

This letter is our comment on the air quality/pollution draft permit issued by the South Dakota Department of Environment and Natural Resources for Hyperion Refining for its proposed oil refinery north of Elk Point, South Dakota and east of Vermillion, South Dakota. We write in the interest of our health and that of the people in our county.

We believe the Hyperion request for an air quality/pollution permit should be denied! This is a \$10 billion, 400,000 barrel-a-day facility that would extensively pollute our region's air (and water). It should be noted that at present Hyperion is searching for a water resource that would be able to provide 9-12 million gallons of water a day for the oil refinery (Meagan Sexton, *Sioux City Journal* 10-2-08). These are precious and limited resources.

According to Meagan Sexton (*Sioux City Journal*), this is a draft "preconstruction air-quality permit" and the first of eight various permits required over time. And the application for a preconstruction air-quality permit means that Hyperion need not apply for a Title V air-quality permit until it has been in operation for one year.

We are deeply disturbed that money alone seems to be the criterion for allowing something of this hugely negative impact to be present in southern South Dakota today, in our future, and for our posterity. Resolutions supporting this center certainly give the appearance of 100% acceptance of whatever Hyperion states.

Hyperion claims that they will be stewards of the environment (Hyperion website), but the dangers of oil refineries can easily be found. If this is a good deal, why were there months of "unknown" while Hyperion bought up land options? Denny Larson, coordinator of the San Francisco-based National Refinery Reform Campaign stated that "'air pollution, water pollution, solid toxic waste' are produced in the refining process, and he encouraged... [us] to question 'where this stuff is going to go. I would be a liar if I didn't tell you it is a very dirty process...'" (as quoted in Bret Hayworth, *Sioux City Journal* website). And, why would it be permissible for Hyperion to verify its own "compliance?" At a minimum, we would need independent monitoring. In addition, perhaps modeling results are a little like statistics, which can be read with any number of interpretations. We need actual operational evidence---every step of the way!

The Hyperion refinery will produce significant air pollution. It will burn or refine tar sands. The national Sierra Club has recently become involved in this issue. According to Meagan Sexton (Sioux City Journal) [c]ritics contend the 'sour' crude contains a higher sulfur content and more heavy toxic compounds than the lighter 'sweet' crude imported from the Middle East and other regions. Holly Beset, a Sierra Club spokeswoman states that "there would be significant air pollution emitted from the [Hyperion] facility. There doesn't seem to be a discussion on the impacts that the mining (of tar sands oil) would have in Canada....the Sierra Club is questioning the designation of this refinery as a green facility." (Sioux City Journal article by Meagan Sexton)

Certainly all of us acknowledge our global interdependence. In *Justice in the World* (1971), the Synod of Bishops state that "men...perceive that their resources, as well as the precious treasures of air and water—without which there cannot be life—and the small delicate biosphere of the whole complex of all life on earth, are not infinite, but on the contrary must be saved and preserved as a unique patrimony belonging to all mankind." [As quoted in *Renewing the Earth*, 1977, O'Brien & Shannon (editors)]

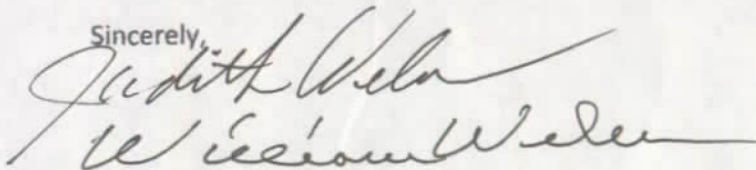
The clean air and water of southern South Dakota are in our hands and we can choose to maintain this quality of life or "sell" it, making some rich, and others sharing in the consequences, namely the suffering that comes from pollution.

A recent writer to the Sioux City Journal states that "only six of the dozens of toxins the refinery would emit are even addressed in the air pollution permit." He states that state and federal law do not regulate carbon dioxide even though Hyperion states "their use of low-grade tar sands crude would more than double South Dakota's output of this global warming gas." And continuing, he writes: "[a]ccording to the would-be refinery's own low-ball projections, each year they would pump more than 10 million pounds of carbon monoxide, fine particulate matter, sulfur dioxide, nitrogen, oxides, volatile organic compounds, sulfuric acid and hydrogen sulfide into our air." [Jerry Wilson]

In the interest of this world with its fragile and limited resources, we cannot and will not ever approve of the enormous deterioration of the land, air and water of southern South Dakota and the physical health of its people that will accompany the Hyperion refinery should it become a reality.

You have the responsibility to care for our environment and we thank you for your service to us, your fellow South Dakotans.

Sincerely,

The block contains two handwritten signatures in cursive. The first signature is 'Judith Welu' and the second is 'William Welu'. Both are written in dark ink.

Dr. Judith and William Welu
31 North Shore Drive
McCook Lake, South Dakota 57049